

REMARKS

The Amendments shown above and these Remarks are made in reply to the Office Action mailed May 27, 2010. Claims 4-6, 9-10, 17, 20-21 and 45-48 were examined and stand rejected by the Examiner. Claims 1, 15 and 24-27 were previously canceled. Claims 2-3, 7-8, 11-14, 16, 18-19, 22-23, and 28-44 were previously withdrawn.

Applicant has amended claims 6, 9-10, 17, 20, and 45-48; canceled the withdrawn claims 2-3, 7-8, 11-14, 16, 18-19, 22-23, and 28-44. Applicant submits that no new subject matter has been introduced by the Amendments and the Amendments are supported by the specification. Reconsideration is respectfully requested.

Claims 4-6, 9-10, 17, 20-21 and 45-48 remain pending in this application after entry of the Amendments.

I. SUMMARY OF THE EXAMINER'S ACTIONS

In the Office Action mailed May 27, 2010, the Examiner:

- rejected claims 4-6, 9-10, 17, 20-21 and 45-48 under 35 USC § 112, second paragraph, as indefinite;
- rejected claims 6, 9-10, 17, 20-21 and 45-48 under 35 USC § 103(a) as unpatentable over U.S. Patent Pub. No. 2004/0014484 ("*Kawashima*"), in view of U.S. Patent Pub. No. 2004/0023646 ("*Inami*"), and either one of U.S. Patent No. 7,248,677 ("*Randall*") or U.S. Patent No. 7,352,997 ("*Torvinen*");
- rejected claim 4 under 35 USC § 103(a) as being unpatentable over *Kawashima*, *Inami* and either one of *Randall* or *Torvinen* as applied to claim 45, and further in view of U.S. Patent Pub. No. 2003/0109252 ("*Prentice*"); and
- rejected claim 5 under 35 USC § 103(a) as being unpatentable over *Kawashima*, *Inami*, *Prentice* and either one of *Randall* or *Torvinen* as applied to claim 4, and further in view of U.S. Patent No. 7,139,551 ("*Jamadagni*").

II. SPECIFIC RESPONSE TO THE EXAMINER'S ACTIONS

A. The Section 112 Rejections Are Overcome

The Examiner rejected claims 4-6, 9-10, 17, 20-21 and 45-48 as indefinite. Applicant respectfully traverses the rejection.

Specifically, Applicant has amended independent claims 45-46 and 48 and their respective dependent claims 6, 9, and 20 to recite “a graphical layer of software of the mobile phone” and “an operating layer of software of the mobile phone.” (emphasis added)

Applicant submits that these amendments are fully supported by the original specification as filed. For example, the specification describes a software architecture of a mobile phone device comprising an operating OS layer and a graphical interface IG application environment such as a “Series 60” type environment. Further, FIG. 1 of the instant application depicts a software architecture for a mobile phone having an operating OS layer and an interface consistent with these descriptions.

Accordingly, Applicant submits that claims 4-6, 9-10, 17, 20-21 and 45-48 are definite within the meaning of Section 112 and respectfully requests withdrawal of the rejections.

B. The Section 103 Rejections Are Overcome

1. Claims 6, 9-10, 17, 20-21 and 45-48 are Patentable

The Examiner rejected claims 6, 9-10, 17, 20-21 and 45-48 as obvious over the combination of *Kawashima*, *Inami* and either *Randall* or *Torvinen*. Applicant respectfully traverses the rejections.

Independent Claim 45

Applicant submits that claim 45 is patentable over a combination of *Kawashima*, *Inami* and either *Randall* or *Torvinen* for the reasons discussed below. For example, claim 45, as amended, recites:

45. (Currently amended) A method for downloading ring tones for personalizing mobile phones, comprising:
downloading and storing data on a mobile phone, including audio content and graphical animation content;
and

upon receiving an incoming call, simultaneously playing the audio content and displaying the graphical animation content on the mobile phone, wherein a graphical layer of software of the mobile phone is disabled in order to display the downloaded graphical animation content. (Applicant's claim 45, emphasis added)

Thus independent claim 45 as amended is directed to a method for downloading ring tones for personalizing mobile phones that (i) downloads and stores data on a mobile phone, including audio content and graphical animation content, and then (ii) upon receiving an incoming call, simultaneously plays the audio content and displays the graphical animation content on the mobile phone, wherein a graphical layer of software of the mobile phone is disabled in order to display the downloaded graphical animation content.

Kawashima describes a portable terminal device that may reproduce contents with sounds and pictures, thereby enhancing the user experience regarding advertisement, entertainment, and electronic dictionary. (see *Kawashima* at paragraph [0016]). The Examiner contends that *Kawashima* discloses “upon receiving an incoming call simultaneously playing the audio content and displaying the graphical animation content on the mobile phone” as recited in claim 45, citing paragraphs [0070] to [0118], and Figs. 6-7 of *Kawashima*. (see Office Action at p. 3)

But Applicant notes that these cited sections in *Kawashima* merely disclose displaying a prescribed picture on a screen based on display sequence data, while generating a prescribed speech or musical tones based on sound generation sequence data. That is, it appears to the Applicant that *Kawashima* uses two separate sequences of data, namely the display sequence data and the sound generation sequence data, to control the display of a picture and the playing of musical tones. There is no teaching or suggestion in *Kawashima* that these two separate sequences of data are generated/displayed simultaneously upon receiving an incoming call.

For example, as described in paragraphs [0084] and [0085] of *Kawashima*, the content of which has been reproduced in its entirety:

“[0084] When the CPU 50 determines in step 202 that the display-ON data is set on the portable telephone 1, the CPU 50 automatically performs the incoming call display process with reference to the user setup data storage area of the RAM 51 that stores the picture number and text number in advance. That is, the CPU 50 reads the picture data of the picture number and/or text data of the text number from the RAM 51, so that the read data are sent to the display sequencer 60. Thus, the display sequencer 60 instructs the display 63 to display pictures of picture data and/or characters of text data on the screen at prescribed

timings. As a result, the CPU 50 reproduces picture data and/or text data in a time-series manner on the screen of the display 63 in step 203.” (emphasis added).

“[0085] In step 204, a decision is made as to whether or not the foregoing melody-ON data is set to designate the incoming call melody process. When the CPU 50 determines in step 204 that the melody-ON data is set on the cellular phone 1, the CPU 50 automatically performs the incoming call melody process with reference to the user setup data storage area of the RAM 51 that stores the melody number in advance. That is, the CPU 50 reads musical tone data representing an incoming call melody designated by the melody number from the RAM 51, so that the sound generation sequencer 61 drives the FM sound source 64 based on musical tone data at a prescribed timing. Thus, the FM sound source 64 produces corresponding musical tone signals, which are sent to the speaker 67 by way of the mixer 66. As a result, the speaker 67 reproduces musical tone data of an incoming call melody in a time-series manner in step 205.” (emphasis added).

Thus, as described in *Kawashima*, pictures of picture data are displayed on the screen at prescribed timings based on instructions from the display sequencer 60, whereas musical tone data are played at a prescribed timing which is controlled by the sound generation sequencer 61. There is no teaching or suggestion in *Kawashima* that the display sequencer 60 and the sound generation sequencer 61 are configured to simultaneously play audio content and display graphical animation content on a mobile phone upon receiving an incoming call.

Therefore, Applicant submits that at least the feature of “upon receiving an incoming call, simultaneously plays the audio content and displays the graphical animation content on the mobile phone” as recited in claim 45 is not taught by *Kawashima*.

The Examiner acknowledges that *Kawashima* does not teach “a graphical layer of software of the mobile phone is disabled in order to display the downloaded graphical animation content” as recited in claim 45 but relied on *Inami* as curing the deficiency of *Kawashima*. (see Office Action at pp. 3-4). Applicant respectfully disagrees.

Inami discloses an information processing terminal and an information processing method for controlling access from a plurality of software applications to the same resource. (see *Inami* at paragraph [0002]). For example, *Inami* discloses a resource access section for mediating access by a plurality of software pieces to at least one resource, wherein the resource access section is operable to: (A) if the at least one resource is not being currently used, or if the priority level of the requesting-software piece (the requesting-software piece is a software piece

which is making a request to access the at least one resource) is higher than the priority level of the exploiting-software piece (the exploiting-software piece is a software piece currently using the at least one resource), access the at least one resource in accordance with the request of the requesting-software piece, and notify an error to the exploiting-software piece, or (B) if the priority level of the requesting-software piece is lower than the priority level of the exploiting-software piece, notify an error to the requesting-software piece. (*see Inami* at paragraph [0016]). Thus, it appears to the Applicant that *Inami* discloses a resource contention mechanism among a plurality of software pieces based on a priority level associated with the software piece.

The Examiner contends that because S7, S17, S27, and S48 in Figs. 2, 7, 8, and 10 of *Inami* depict cancelled processes, then *Inami* teaches the recited feature of “a graphical layer of software of the mobile phone is disabled in order to display the downloaded graphical animation content” in claim 45. (*see* Office Action at p. 4). However, Applicant fails to appreciate how or why the “cancelled processes” disclosed in *Inami* are equivalent to the feature of “a graphical layer of software of the mobile phone is disabled in order to display the downloaded graphical animation content” in claim 45.

Furthermore, Applicant submits that *Inami* is directed to a resource contention mechanism based on a priority level of a software piece, whereas claim 45 recites a method for downloading ring tones for personalizing mobile phones wherein a graphical layer of software of the mobile phone is disabled in order to display the downloaded graphical animation content. In fact, Applicant submits that *Inami* does not contemplate or address disabling a graphical layer of software of the mobile phone in order to display the downloaded graphical animation content at all.

Accordingly, Applicant submits that the *Inami* does not cure the deficiencies of *Kawashima*.

Likewise, neither *Randall* or *Torvinen* teaches “upon receiving an incoming call, simultaneously plays the audio content and displays the graphical animation content on the mobile phone, wherein a graphical layer of software of the mobile phone is disabled in order to display the downloaded graphical animation content” as recited in claim 45. In fact, the Examiner has cited *Randall* or *Torvinen* as providing the background information on Symbian

OS and “Series 60” type environment. Thus, none of these references cures the deficiencies of *Kawashima*.

Accordingly, Applicant submits that claim 45 is patentable over a combination of *Kawashima*, *Inami* and either *Randall* or *Torvinen* for the reasons discussed above.

Claims 6 and 9-10 depend from claim 45 and therefore considered patentable for the same reasons.

Independent Claim 46

With regard to independent claim 46, Applicant has amended claim 46 to recite “wherein displaying the graphical animation content upon receiving an incoming call comprises simultaneously playing the ring tones and displaying the graphical animation content on the mobile phone upon receiving the incoming call.” Applicant submits that none of the cited references teaches or suggests this amended feature of claim 46 for the reasons discussed above.

Accordingly, Applicant submits that claim 46 is patentable over the cited reference.

Claims 17 and 20-21 are dependent through claim 46 and therefore considered patentable for the same reasons.

Independent Claims 47 and 48

Independent claim 47 recites a method for enabling the substantially synchronous reading of at least an audio content and a graphical content upon reception of an incoming call on a mobile phone, while independent claim 48 recites a mobile phone adapted for enabling the substantially synchronous reading of at least an audio content and a graphical content upon reception of an incoming call. Both of these claims recite “disabling a graphic layer of software of the mobile phone upon the notification of the incoming call.”

Applicant submits that none of the cited references teaches or suggests the limitations of claims 47 and 48 for the reasons discussed above.

Accordingly, Applicant submits that claims 47 and 48 are patentable over the cited references.

2. Claim 4 is Patentable

The Examiner rejected claim 4 as obvious over the combination of *Kawashima, Inami* and either *Randall* or *Torvinen*, and further in view of *Prentice*. Applicant respectfully traverses the rejections.

Claim 4 depends from claim 45, and is thus patentable for at least a similar rationale as discussed above for the allowability of claim 45.

Further, Applicant submits that claim 4 is also patentable for additional reasons. Claim 4 recites “the downloaded data comprises an application for reading the graphical animations content and/or audio content.” The Examiner asserts that *Prentice* discloses a codec program for reading the downloaded data, citing the codec executable field 136 described in paragraph [0026] of *Prentice* (see Office Action at p. 10). Applicant respectfully disagrees.

Referring to paragraph [0026], *Prentice* discloses that “Codec executable field 136 includes an executable coding/decoding file that can be in many formats, such as DSP or system specific code, platform neutral code (e.g. Java) and a hardware code for programmable hardware.” There is no teaching or suggestion in *Prentice* that the codec executable field 136 may also include graphical animations content and/or audio content as specifically required by claim 4. In other words, it appears to the Applicant that *Prentice*’s codec executable field 136 may include any executable coding/decoding file such as DSP or system code, platform neutral code (e.g. Java) and a hardware code for programmable hardware, but not graphical animations content and/or audio content.

Accordingly, Applicant submits that claim 4 is not taught or suggested by *Prentice*. Applicant thus submits that this is an additional reason for the allowability of claim 4 over the cited references.

3. Claim 5 is Patentable

The Examiner rejected claim 5 as obvious over the combination of *Kawashima, Inami* and either *Randall* or *Torvinen*, and further in view of *Jamadagni*. Applicant respectfully traverses the rejections.

Claim 5 depends from claim 45, and is thus patentable for at least a similar rationale as discussed above for the allowability of claim 45. Further, Applicant submits that *Jamadagni* does not cure the deficiencies of claim 45 for the reasons discussed above.

III. CONCLUSION

Based on the amendments shown above and these remarks, reconsideration of the pending claims is respectfully requested.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone or email.

Enclosed is a PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136 for extending the time to respond up to and including today, November 29, 2010.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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